

## REMARKS/ARGUMENTS

Claims 27-28 have been added without introducing new matter.

### Claim Rejections 35 USC § 103

Claims 1-26 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over US Pat. No. 6,615,408 to Kaiser (hereinafter Kaiser) in view of US Pat. No. 6,473,609 to Schwartz (hereinafter Schwartz). Applicants respectfully traverse the rejection in view of the following.

#### Claims 1-6 and 14-19:

Independent Claim 1 recites generating a script using a script authoring tool, wherein the compiled business data is processed according to the generated script independent from a further user interaction, as claimed. Accordingly, the processing of compiled business data is independent from a user response and user interaction. Moreover, independent Claim 1 recites transmitting a stream, comprising the compiled business data and the script, as claimed. As a result, the transmitted stream includes the compiled business data as well as the script.

In contrast, Kaiser discloses that another selectable action is an information request action (see Kaiser, col. 11, line 62). Kaiser discloses that the information pages are communicated to the reproducing apparatus 1300 on the

client side for communication to the display 1200 on the client side (see Kaiser, col. 12, lines 5-10 and Figure 1, elements 1200 and 1300). Moreover, Kaiser discloses that a user input processing procedure receives indications of user selections for the reproducing apparatus and performs any transformation convenient in extracting or reporting aspects of the user selections (see Kaiser, col. 12, lines 11-13). Accordingly, the processing as disclosed by Kaiser depends on the user selection whereas independent Claim 1 explicitly recites that the compiled business data is processed according to the generated script independent from a further user interaction, as claimed.

Furthermore, Kaiser discloses that the video production on the client side operates with the reproducing apparatus on the client side where the reproducing apparatus provides the functions of receiving and reproducing the video production and of a client in client-server communication (see Kaiser, col. 7, lines 30-35). Kaiser further discloses that one skilled in the art will recognize numerous structures of programmed or programmable logic capable of performing these functions (e.g., a computer, set-top-box, WEBTV, etc.) (see Kaiser, col. 7, lines 37-45). Accordingly, Kaiser discloses that the receiver (e.g., a computer, set-top-box, WEBTV, etc.) on the client side receives and reproduces the video production. Applicants do not understand reproducing the video production to explicitly teach or suggest transmitting a stream, comprising the compiled business data and the script, as claimed.

The rejection admits that Kaiser fails to teach compiling business data into a binary form, as claimed. The rejection relies on Schwartz to remedy this failure. Applicants respectfully traverse in view of the following.

Schwartz discloses that the actual data being exchanged between the server and the device is in SDD format which is typically binary and can be directly rendered without further processing (see Schwartz, col. 10, lines 3-8). Applicants respectfully submit that one would not transmit a script to process compiled business data, as claimed when the data can be directly rendered without further processing as disclosed by Schwartz. As a result, Schwartz explicitly teaches away from generating a script and transmitting a stream comprising the compiled business data and the script, as claimed.

The rejection in response to Applicants' argument submitted on November 3, 2006 asserts that "the portions of Schwartz cited by applicant, column 10, lines 6-8, deal with rendering at the client device, and have nothing to do with compilation." Applicant respectfully wish to remind the Examiner that the prior art must be considered in its entirety, including disclosures that teach away from the claims (see MPEP §2141.02; *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). As such, the disclosure by Schwartz that SDD format can be directly rendered

without further processing should not be ignored in teaching away from the recited limitation of generating a script and transmitting the generated script with the compiled business data, as claimed.

Accordingly, the combination of Kaiser and Schwartz fails to render independent Claim 1 obvious, under 35 U.S.C. §103(a). Independent Claim 14 recites limitations similar to that of independent Claim 1 and is patentable for similar reasons. Dependent claims are patentable by virtue of their dependency.

As per Claims 3 and 16, the rejection asserts that “Kaiser inherently teaches improving the access speed to the business data as XML is validated on the server side prior to transmission to the client device, thus the browser on the client side accesses the data more quickly as it needs not validate the content nor does it need to convert the XML to displayable HTML.” Applicants respectfully disagree. Applicants do not understand configuring the compilation of the business data, as claimed to be equivalent to or suggest using an XML data as disclosed by Kaiser.

Moreover, Applicants wish to remind the Examiner that to establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency may not be

established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient (see *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). As a result, the mere fact that using XML may eliminate the need to validate data on the client side and as a result improve the access speed as alleged by the rejection fails to either teach or suggest improving the access speed by configuring the compilation of the business data, as claimed.

As per Claims 4 and 17, the rejection asserts that “Kaiser inherently reduces the size of the business data XML auto formats the display of the content, one set of content can be displayed multiple ways with the content and the structure being independent from one another.” Applicants respectfully disagree under the similar rationale to that of Claims 3 and 16 presented above.

Claims 7-13 and 20-26:

Independent Claim 7 recites receiving a stream comprising a script and a compiled business data, as claimed. Moreover, independent Claim 7 recites processing the business data in binary form. Furthermore, independent Claim 7 recites processing requests within the script, independent from a user interaction, as claimed.

Kaiser discloses CGI scripts, HTML pages, XML pages, servlets, client side scripts, etc. (see Kaiser, col. 8, lines 55-65). Moreover, Kaiser discloses action resource data including instructions such as HTML, XML, or SGML pages, scripts, programs and analogous instructing informational language (see Kaiser, col. 5, lines 59-64). Applicants do not understand the action resource data (e.g., HTML, XML, SGML, scripts, etc.) to either teach or suggest receiving a stream comprising compiled business data in binary form, as claimed.

Moreover, Kaiser discloses that internet programming methods may be used and an action resource may be implemented (e.g., HTML pages, XML pages, CGI scripts or programs, etc.) (see Kaiser, col. 8, lines 55-61). However, internet programming (e.g., HTML, XML, CGI, etc.) fails to either teach or suggest processing the business data in binary form, as claimed.

Furthermore, Kaiser discloses the ASI characterization is parsed, rendered, integrated with other visuals and communicated to the reproducing apparatus (see Kaiser, col. 9, lines 44-46). The ASI characterization provides a characterization of an interface which may be parsed and rendered by the reproducing apparatus to provided one or more selectable actions (see Kaiser, col. 8, lines 44-47). A user may then select one or more selectable actions from the action selection interface (see Kaiser, col. 9, lines 46-48).

Accordingly, the processing is based on the user selection as disclosed by Kaiser whereas independent Claim 7 recites processing requests within the script, independent from a further user interaction, as claimed. Moreover, Kaiser fails to explicitly teach or suggest processing requests within the script, as claimed.

The rejection admits that Kaiser fails to disclose the compiled business data in binary format, as claimed. The rejection relies on Schwartz to remedy this failure. Applicants respectfully submit that Schwartz explicitly teaches away from generating a script and transmitting a stream comprising the compiled business data and the script, as claimed and as presented above. Accordingly, one would not be motivated to combine the teachings of Schwartz with Kaiser in the claimed fashion.

Accordingly, the combination of Kaiser and Schwartz fails to render independent Claim 7 obvious, under 35 U.S.C. §103(a). Independent Claim 20 recites limitations similar to that of independent Claim 7 and is patentable for similar reasons. Dependent claims are patentable by virtue of their dependency.

As such, allowance of Claims 1-28 is earnestly solicited.

For the above reasons, Applicants request reconsideration and withdrawal of these rejections under 35 U.S.C. §103.



### CONCLUSION

In light of the above listed remarks, reconsideration of the rejected Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-26 overcome the rejections of record and, therefore, allowance of Claims 1-26 and newly added Claims 27-28 is earnestly solicited.

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Dated: May 18, 2007

Respectfully submitted,  
MURABITO, HAO & BARNES LLP

A handwritten signature in black ink, appearing to read 'Amir A. Tabarrok', is written over a horizontal line. The signature is enclosed within an oval-shaped stamp or seal.

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